

COPY OF PAPERS  
ORIGINALLY FILED



DECLARATION FOR PATENT APPLICATION

As the below-named inventors, we hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled CARD-DOMAIN CONTAINING POLYPEPTIDES, ENCODING NUCLEIC ACIDS, AND METHODS OF USE, the specification of which

\_\_\_\_\_ is attached hereto as Attorney Docket No. \_\_\_\_\_.

XX was filed on December 19, 2001, as Application Serial No. 10/032,159, Attorney Docket No. P-LJ 5100)

and was amended on (or amended through) \_\_\_\_\_.  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to myself to be material to patentability as defined in Title 37, Code of Federal Regulations, Sec. 1.56.

Under Sec. 1.56, information is material to patentability when it is not cumulative to information already of

Inventors: Pawlowski et al.  
Serial No.: 10/032,159  
Filed: December 19, 2001  
Page 2

record or being made of record in the application, and (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or (2) It refutes, or is inconsistent with, a position the applicant takes in: (a) Opposing an argument of unpatentability relied on by the U.S. Patent and Trademark Office, or (b) Asserting an argument of patentability.

I hereby claim the benefit under Title 35, United States Code, § 119(e) of the United States provisional application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information that is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 that became available between the filing date of the prior application(s) listed below and the filing date of this non-provisional application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status</u>
60/257,457	December 21, 2000	Abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may

Inventors: Pawlowski et al.  
Serial No.: 10/032,159  
Filed: December 19, 2001  
Page 3

jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Krzysztof Pawlowski

Inventor's signature: Krzysztof Pawlowski

Date: JAN. 23, 2002

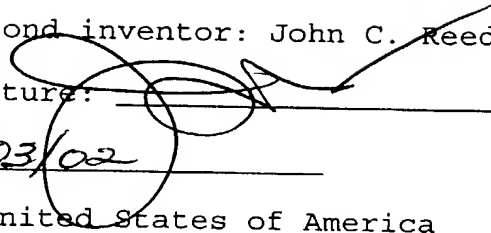
Residence: Sweden

Citizenship: Poland

Mailing Address: Kramersvagen 10:1061  
Malmo, Sweden S-21745

Inventors: Pawlowski et al.  
Serial No.: 10/032,159  
Filed: December 19, 2001  
Page 4

Full name of second inventor: John C. Reed

Inventor's signature: 

Date: 04/03/02

Residence: United States of America

Citizenship: United States of America

Mailing Address: 17044 El Camino Real, P.O. Box 137  
Rancho Santa Fe, California 92067-0137

Inventors: Pawlowski et al.  
Serial No.: 10/032,159  
Filed: December 19, 2001  
Page 5

Full name of third inventor: Adam Godzik

Inventor's signature: Ad Godzik

Date: 4-4-82

Residence: United States of America

Citizenship: United States of America

Mailing Address: 9184 Buckwheat Street  
San Diego, California 92129



POWER OF ATTORNEY FOR PATENT APPLICATION BY ASSIGNEE

Assignee The Burnham Institute is the owner of the entire right, title and interest of U.S. patent application Ser. No. 10/032,159, filed on December 19, 2001, as attorney docket number P-LJ 5100, and entitled CARD-DOMAIN CONTAINING POLYPEPTIDES, ENCODING NUCLEIC ACIDS, AND METHODS OF USE, and any subsequently filed divisional, continuation, continuation-in-part or reissue application, including international and foreign applications claiming priority thereto.

The Assignee hereby appoints the following attorneys to prosecute these applications and to transact all related business in the United States Patent and Trademark Office and any international and foreign patent offices:


CATHRYN CAMPBELL, Registration No. 31,815; DAVID A. GAY, Registration No. 39,200; CALVIN A. FAN, Registration No. 38,444; ANDREA L. GASHLER, Registration No. 41,029; JAMES J. WONG, Registration No. 34,949; DEBORAH L. CADENA, Registration No. 44,048; MELANIE K. WEBSTER, Registration No. 45,201; ASTRID R. SPAIN, Registration No. 47,956; MARGARET M. PARR, Registration No. 48,111; and KIMBERLY J. PRIOR, Registration No. 41,483.

Please direct all telephone calls to Cathryn Campbell at (858) 535-9001 and address all correspondence to:

CATHRYN CAMPBELL  
CAMPBELL & FLORES LLP  
4370 La Jolla Village Drive  
7<sup>th</sup> Floor  
San Diego, California 92122  
USPTO CUSTOMER NO. 23601

Inventors: Pawlowski et al.  
Serial No.: 10/032,159  
Filed: December 19, 2001  
Page 2

The undersigned is authorized to sign on behalf of the  
Assignee.

Signature:   
Name (typed): John Campbell  
Title: Director of Intellectual Property  
Assignee: The Burnham Institute  
Date: Jan 18, 2002

2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

#4



COPY OF PAPERS  
ORIGINALLY FILED

PATENT  
Our Docket: P-LJ 5100

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: )  
Pawlowski et al. )  
Serial No. 10/032,159 )  
Filed: December 19, 2001 )  
For: CARD-DOMAIN CONTAINING )  
POLYPEPTIDES, ENCODING )  
NUCLEIC ACIDS, AND )  
METHODS OF USE )

Commissioner for Patents  
Washington, D.C. 20231

Sir:

SMALL ENTITY STATEMENT

The U.S. Patent and Trademark (USPTO) permits parties that establish status as a Small Entity to pay certain reduced fees (all citations to 37 C.F.R. § 1.27 except as noted). To be entitled to Small Entity Status, a party must be at least one of the following:

**(1) Individual person:**

An individual person, including an inventor and persons to whom an inventor has transferred some rights in the invention. § 1.27(a)(1).

**(2) Small business concern:**

A business concern whose number of employees, including affiliates, does not exceed 500 persons. § 1.27(a)(2) (incorporating 13 C.F.R. § 121.802).

"Business concern" means individual proprietorship, partnership, limited liability company, corporation, joint venture, association, trust or cooperative. If the concern is a joint



[illegible]

Inventors: Pawlowski et al.  
Serial No.: 10/032,159  
Filed: December 19, 2001  
Page 2

Inventors: Pawlowski et al.  
Serial No.: 10/032,159  
Filed: December 19, 2001  
Page 2

Inventors: Pawlowski et al.  
Serial No.: 10/032,159  
Filed: December 19, 2001  
Page 2

Inventors: Pawlowski et al.  
Serial No.: 10/032,159  
Filed: December 19, 2001  
Page 2

Inventors: Pawlowski et al.  
Serial No.: 10/032,159  
Filed: December 19, 2001  
Page 2

Inventors: Pawlowski et al.  
Serial No.: 10/032,159  
Filed: December 19, 2001  
Page 2

Inventors: Pawlowski et al.  
Serial No.: 10/032,159  
Filed: December 19, 2001  
Page 2

Inventors: Pawlowski et al.  
Serial No.: 10/032,159  
Filed: December 19, 2001  
Page 2

[illegible]

I hereby assert that I am empowered to sign on behalf of the party identified below ("Party"). Persons empowered to sign include an inventor him- or herself or an authorized officer of the assignee, where the assignee has at least an undivided part interest in the application or patent. § 1.27(c)(2).

I hereby assert that the Party has not assigned, granted, conveyed or licensed--and is under no obligation under contract or law to do so--any rights in the invention to any other party that would not qualify as a Small Entity. If the rights in the invention held by the Party are not exclusive, each party having rights in the invention is listed below:

Separate assertions of Small Entity Status should be obtained from each party having rights to the invention.

Inventors: Pawlowski et al.  
Serial No.: 10/032,159  
Filed: December 19, 2001  
Page 4

I hereby assert that the Party is entitled to be accorded Small Entity Status by the USPTO for the application or patent identified above. § 1.27(c)(1).

I understand that Small Entity Status must be newly determined when the issue fee and each maintenance fee is due. If there is any change resulting in loss of entitlement to Small Entity Status, I acknowledge the duty to file a notification to the USPTO in this application or patent before or upon paying the fee. § 1.27(g).

I understand that Small Entity Status must be separately established in any related application, including continuation, divisional, continuation-in-part, continued prosecution application or reissue application. § 1.27(c)(4).

I understand that any attempt to establish Small Entity Status improperly, deceptively or fraudulently will be considered a fraud practiced on the USPTO and may result in abandonment of the application or jeopardize the validity and enforceability of any resulting patent. § 1.27(h).

January 18, 2002  
Date

John Campbell  
Signature

Name: John Campbell

Title: Director of Intellectual Property

THE BURNHAM INSTITUTE  
10901 North Torrey Pines Road  
La Jolla, California 92037